

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In The Matter of)	
)	
Petition for Rulemaking of the)	RM No. 11338
National Broadcasters Association)	
To Permit AM Radio Stations' Use of)	
FM Translators)	
)	

To: Office of the Secretary

**JOINT COMMENTS OF
RADIO BROADCASTERS ASSOCIATION OF PUERTO RICO AND
INDEPENDENT SPANISH BROADCASTERS ASSOCIATION**

The Radio Broadcasters Association of Puerto Rico¹ and the Independent Spanish Broadcasters Association² (together, the “Joint Commenters”) hereby file the following comments in response to the Petition for a Rulemaking to Permit AM Stations’ Use of FM Translators (the “Petition”) filed by the National Association of Broadcasters (“NAB”). The Petition seeks the initiation of a rulemaking proceeding to amend the Commission’s rules to allow AM broadcast stations to operate FM translator stations to retransmit their signal as a fill-in service, so long as the FM translator’s 60 dBu contour does not exceed the lesser of: (a) the 2 mV/m daytime contour of the AM station it rebroadcasts; or (b) a circle with its center at the AM transmitter site and a radius of 25 miles. The Joint Commenters write in support of this Petition and respectfully request that the Commission initiate the proposed rulemaking.

¹ The Radio Broadcasters Association of Puerto Rico (“PRBA”) represents 90% of the AM and FM broadcasters in the Commonwealth of Puerto Rico and its members operate 72 AM stations.

² The Independent Spanish Broadcasters Association (“ISBA”) was founded in 2004 to give a voice to independent Spanish language and Latino radio and television broadcasters.

I. Introduction

The Petition describes AM radio as “characterized by its diversity of ownership” and thus, constituting a crucial component of the Commission’s efforts to ensure that “information is available from a multiplicity of sources.”³ The Petition also draws attention to the numerous technical aspects specific to the AM band that diminish the ability of AM stations to serve their communities consistently. NAB emphasizes that, in particular, the effect of skywave propagation at night requires many AM stations to reduce power or go silent between sunset and sunrise in order to avoid interference. Similarly, regional land features and local infrastructure cause loss of coverage in areas within an AM station’s daytime contour.

The noted importance of the AM service and the Petition’s description of current obstacles faced by AM broadcasters in delivering their signal resonate in particular with the Joint Commenters, as discussed herein. The Joint Commenters agree that extension of the permissible use of FM translators to rebroadcast AM stations presents a viable solution to the technical problems burdening AM stations.

II. Use of FM Translators would Allow AM Stations in Puerto Rico to Overcome Unique Topographical and Interference Problems

PRBA submits that Puerto Rican AM broadcasters confront numerous challenges because of geographical factors. The territory of Puerto Rico includes a main island and smaller outlying islands, all forming a part of the Greater Antilles chain, comprised also of Jamaica, Cuba, and, at a distance of only 75 miles from its western coast, Hispaniola (Dominican Republic and Haiti). A central mountain range transects the main island from east to west, with approximately 60% of the island’s entire surface covered by mountainous terrain. As stated in the Petition, mountains and rocky areas can obstruct an AM signal significantly, causing holes in its coverage.

³ See *Petition* at 3.

Additionally, Puerto Rico's proximity to the countries situated in the same island chain, as well as its location near the northern countries of South America causes its AM stations to be subject to a great deal of interference from international stations. In fact, the President of PRBA reports that when many of its members' AM stations must reduce power at night, they are subject to regular and overpowering interference from broadcasts from Venezuelan, Colombian, Cuban and Dominican stations.

The above-described interference has a detrimental impact on localism. For example, coverage of live local events, including sports and musical performances, often occur in the evening and are aired on AM stations in Puerto Rico. However, international interference continually prevents listeners from hearing these broadcasts, depriving residents of a means of participation in their local community. Additionally, religious broadcasting and talk radio, providing listeners news of local worship services and stories of interest, are predominantly found on AM stations in Puerto Rico. Interruption of service prevents listeners from receiving such communications and cuts them off from their communities.

Allowing use of FM translators as fill-in service for AM stations would assist AM stations in providing a signal to their daytime coverage area where intervening terrain barriers exist, as it currently does for the full-power FM stations whose signals are rebroadcast by fill-in translators, and would alleviate the harmful nighttime interference caused by international stations. The Petition cites a situation involving similar occurrences of significant international interference wherein the Commission granted authority for an AM station to translate its signal onto the FM band to avoid the interference. WAMB(AM), Donelson, Tennessee, by its counsel, requested special temporary authority ("STA") from the Commission to duplicate its signal on an FM channel because severe interference from a Cuban broadcast station operating on a co-

channel essentially destroyed its local service at night.⁴ The Commission's response considered the feasibility of other methods of addressing the problem and found that, because of the need for continued protection of other AM and FM stations, the proposed retransmission best served the public interest. This decision to allow FM translator operation for the rebroadcast of an AM station in order to overcome acute international interference provides precedent for the approach advanced in the Petition. This is especially true since AM stations in Puerto Rico are subject to interference conditions comparable to WAMB(AM). Moreover, the efficiency of creating an amendment to the rules to generally authorize such a use versus granting STAs on a case-by-case basis should further persuade the Commission to look favorably upon the proposal set forth in the Petition.⁵

III. Improvements to the AM Service Will Add to Broadcast Diversity and Competition by Contributing to the Growth of Foreign-Language Broadcasting

The radio broadcast world faces an increasing number of media sources fighting for audiences. In this war for listeners, a station can maintain its listenership by providing unique qualities—for example, foreign-language formats addressing particular local needs and interests. Such specialized programming is typically found in the AM band. The Joint Commenters believe that free foreign-language broadcasts, and, in particular, those in Spanish, offer cultural, educational and entertainment services to multi-ethnic populations that often do not have access to the competing forms of media, such as satellite radio, and that this is aptly demonstrated by the growth of broadcast stations providing this programming. The number of existing Spanish-

⁴ See *Letter by Donna Searcy to Ann Bavender, Esquire*, 8930-MER (rel. September 24, 1990).

⁵ The Joint Commenters acknowledge that treaties between the United States and other countries regulate and provide procedures for the resolution of cross-border interference, but they put forth that the prevalence of the problem in Puerto Rico gives rise to consideration of an alternative that does not violate the letter or spirit of any treaty in force but, also, does not require the cooperation of international stations and/or foreign governmental agencies.

language stations alone totaled 715 in the last year and new stations continue to appear in markets across the country.⁶ By allowing use of FM translators with AM stations to improve the ability of AM licensees to overcome the technical limitations inherent to AM broadcasting, the Commission would enhance the ability of AM stations to compete with other media sources. Such competition, in turn, drives creativity, ingenuity and attentiveness to the needs of the public in the marketplace as a whole.

IV. FM Translator Rebroadcast will Help Maintain the Viability of the Many AM stations Unable to Transition to Digital Radio

The establishment of In-Band, On-Channel (“IBOC”) digital radio affects AM radio both positively and negatively. IBOC boosts the audio quality and robustness of the AM service under conditions of impulse noise and adjacent channel interference for those stations that implement hybrid analog/digital operation.⁷ However, AM IBOC also presents challenges that limit its beneficial impact. Broadcasting in hybrid mode requires significantly more bandwidth to accommodate the digital signal than does broadcasting in analog mode alone.⁸ That, in turn gives rise to a greater threat of interference. Indeed, concern about such interference led the Commission to limit the use of hybrid mode operation by AM stations to daytime hours only. Additionally, many smaller market stations simply do not have the available resources to invest into digital conversion technology.

The use of FM translators with AM stations, as discussed above, would improve the consistency and robustness of coverage available to AM licensees. For AM stations limited from

⁶ See *Riding the Airwaves en Espanol; Sacramento Businessman sees a future in Spanish Broadcasting*, Sacramento Bee, A1 (July 10, 2006).

⁷ See *Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Broadcast Service*, 17 FCC Rcd 19990, ¶ 22-23 (2004).

⁸ See *id.* at ¶19.

adopting IBOC due to cost and performance concerns, retransmission onto the FM band will protect their service and offer a safeguard against the comparative strength of and interference from AM IBOC stations.


V. Conclusion

For the reasons provided above, the Joint Commenters support the Petition.

Respectfully Submitted,

RADIO BROADCASTERS ASSOCIATION OF
PUERTO RICO

INDEPENDENT SPANISH BROADCASTERS
ASSOCIATION

By: 
Francisco R. Montero
Sima N. Chowdhury

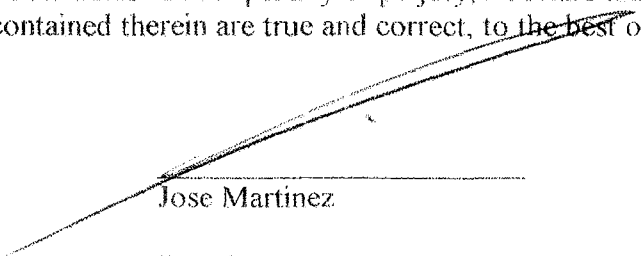
Their Counsel

Fletcher Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209
(703) 812-0400

August 24, 2006

DECLARATION

I, Jose Martinez, am the President of the Puerto Rico Association of Broadcasters, and I have reviewed the attached Joint Comments. Under penalty of perjury, I declare that all statements attributed to me and contained therein are true and correct, to the best of my knowledge.



Jose Martinez

Dated: 24 de agosto del 2006